

112TH CONGRESS
1ST SESSION

H. R. 3212

To amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 2011

Mr. THORNBERRY (for himself, Mr. DONNELLY of Indiana, and Mr. ROSS of Arkansas) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals under the Medicare program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “CAH Designation
5 Waiver Authority Act of 2011”.

1 **SEC. 2. RESTORING STATE AUTHORITY TO WAIVE THE 35-**
2 **MILE RULE FOR MEDICARE CRITICAL AC-**
3 **CESS HOSPITAL DESIGNATIONS.**

4 Section 1820(c)(2) of the Social Security Act (42
5 U.S.C. 1395i–4(c)(2)) is amended—

6 (1) in subparagraph (B)(i)(II), by inserting “or,
7 subject to subparagraph (F), on or after the date of
8 enactment of the CAH Designation Waiver Author-
9 ity Act of 2011” after “January 1, 2006,”; and

10 (2) by adding at the end the following new sub-
11 paragraph:

12 “(F) LIMITATIONS FOR CERTAIN NEW
13 DESIGNATIONS.—A State may not use the au-
14 thority under subparagraph (B)(i)(II) to des-
15 ignate a facility as a critical access hospital on
16 or after the date of enactment of the CAH Des-
17 ignation Waiver Authority Act of 2011 unless
18 each of the following requirements is met:

19 “(i) As of the date of the enactment
20 of the CAH Designation Waiver Authority
21 Act of 2011, the facility was assigned a
22 Medicare provider number as an acute in-
23 patient hospital.

24 “(ii) The Secretary determines that
25 such designation would not result in the
26 total number of facilities that have been

1 designated as critical access hospitals in all
2 States on or after the date of enactment of
3 the CAH Designation Waiver Authority
4 Act of 2011 using the authority under sub-
5 paragraph (B)(i)(II) being greater than a
6 number equal to 10 percent of the total
7 number of acute inpatient hospitals that
8 were designated as critical access hospitals
9 in all States as of March 31, 2011.”.

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